



**Herzfeld  
Suetholz  
Gastel  
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November 17, 2023

Via ECF

Hon. Charles R. Breyer  
United States District Judge  
Phillip Burton Federal Building  
450 Golden Gate Avenue  
San Francisco, CA 94102

Re: *In re: Uber Technologies, Inc., Passenger Sexual Assault Litigation*  
Case No. 3:23-md-03084-CRB

Dear Judge Breyer:

Pursuant to this Court's November 6, 2023, Order, Dkt. No. 70, I submit this application for a position on the Plaintiffs' Steering Committee for the Proposed Leadership Group ("PLG") as set forth on Exhibit A, and to express my support for the attorneys listed on Exhibit A. I am counsel of record in *F.W. v. Uber Technologies, Inc.*, Case No. 3:23-cv-05898, pending in the United States District Court for the Northern District of California.

**1. Professional Experience with this Type of Litigation/MDLs**

I am currently a Court-appointed member of the Plaintiff Steering Committee in the following MDLs or complex cases: *In re Tepezza Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 3079 (N.D. Ill., Case No. 23-C-3568); *In re: East Palestine Train Derailment*, Case No. 4:23-cv-003242 (N.D. Ohio).

*Tepezza* is a pharmaceutical products liability action alleging the defendant misled patients about the scope of hearing loss associated with its drug for thyroid eye disease. This case remains in its infancy with rulings on the motion to dismiss still pending. *East Palestine* is an environmental tort case stemming from the tragic train derailment in East Palestine, Ohio that occurred in February of 2023. This case is actively in the discovery phase where I am working with many lawyers, including some involved in this case, to secure meaningful relief for the community devastated by this tragedy.

In addition to Court-appointed positions, I have appeared as Plaintiffs' counsel in the following complex or class cases:

- *In re Nissan N. Am., Inc. Litig.*, 3:19-cv-00843, 3:19-cv-00854, 3:22-cv-00098 (M.D. Tenn.) ( J. Campbell): I served as counsel for Plaintiffs in a class action against Nissan related to faulty brake systems. Plaintiffs successfully petitioned the Court to certify the case as a damages class action across 10 states.
- *Patient 1, et al. v. Vanderbilt Univ. Med. Ctr.*, et al., Case No. 23-1025-I (Chancery Ct. for Davidson Cnty., Tenn.): I serve as Plaintiffs' counsel in a class action alleging that defendant unlawfully disclosed PHI of patients at its transgender health clinic to state investigators.

In *In re Nissan*, I worked with a number of firms throughout the litigation and took a lead role in crafting the motion for class certification, which the Court ultimately granted. This case remains ongoing although my role in this case has ended. The *Patient 1* case remains ongoing and is in its active discovery phase. This case has received local and national news coverage given the sensitive, personal nature of the information involved. The experience litigating this case will have application here as many of the assault cases at issue here raise similar sensitive, personal issues for the plaintiffs.

My full c.v. is attached as Exhibit B.

## 2. Judicial Contact Information

The contact information for judges that can speak to my work in complex cases is as follows:

District Judge William L. Campbell, Jr.  
U.S. District Court for the Middle District of Tennessee  
Courtroom Deputy (615) 736-2778  
Chambers (615) 736-2774 (voice)

Judge Campbell presides over the *In re Nissan* litigation discussed above.

## 3. Willingness and Availability to Commit Time to this Litigation

As a partner at Herzfeld, Suetholz, Gastel, Leniski and Wall (“HSGLaW”), I am willing and able to commit the necessary time to this litigation. Although I do currently sit on two other PSCs, my other commitments do not require all of my attention. In fact, HSGLaW is a relatively new law firm that was created after a restructuring of its former firm, Branstetter, Stranch and Jennings. This firm restructuring resulted in many of my previous engagements now being worked at another firm, and I have the necessary available time to take on new assignments.

## 4. Willingness and Ability to Work Cooperatively with Other Counsel

Since this MDL was established, the individuals listed on Exhibit A have been collaborating and working cohesively on procedural and substantive issues. I support, and enjoy the support of, the other applicants on this list for a leadership role on behalf of the plaintiffs in this litigation. This demonstrates my willingness and ability to work cooperatively with counsel in this case to ensure the orderly and efficient prosecution of this case. In addition, my work on the aforementioned PSCs demonstrates my ability to work with my plaintiffs-bar colleagues on a variety of cases in a variety of roles.

5. Resources Available to Prosecute this Litigation in a Timely Manner

Should I be appointed, HSGLaW is committed to providing the necessary staffing and monetary resources to see this case to its conclusion. HSGLaW has 16 lawyers across four offices and although our law firm is relatively new, our lawyers have decades of complex litigation experience serving in a variety of roles in MDLs, class actions, and other complex cases. HSGLaW has considerable experience litigating sexual assault cases and is well-versed in how to handle cases of such a sensitive nature. HSGLaW's accomplishments were recently recognized by the Tennessee Trial Lawyer's Association, which awarded four of the partners the "Trial Lawyer of the Year" award, given annually to a lawyer that advocates for a noble cause and demonstrates superior skills to achieve an outstanding result for a client against great obstacles, for their work in securing a default judgment against Endo in Tennessee state court opioid litigation.

6. Additional Considerations for Appointment

My work as a lawyer has forged a strong sense of public service and in 2021 the Board of County Commissions of Hamilton County, Ohio (Cincinnati) appointed me to the board of the Southwest Ohio Regional Transit Authority. I currently serve as Vice Chair, and I help lead an organization with revenues over \$200 million to grow and administer the vast regional transit network serving Southwest Ohio.

I appreciate the Court's consideration of my application for appointment to the PSC, and look forward to the opportunity to advocate for the victims who have suffered egregious violations of their privacy and autonomy.

Sincerely,



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Alyson Steel Beridon